

ORIGINAL

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS

FILED

JUL - 3 2003

CLERK, U.S. DISTRICT COURT

RICHARD MOORE, et al.

Plaintiffs,

v.

HALLIBURTON COMPANY, et al.

Defendants.

Case No. 02-CV-1152-N

3:02-cv-1152-N

THIS DOCUMENT RELATES TO:  
All Actions

**DEFENDANTS' STATEMENT REGARDING PLAINTIFF AMS FUND'S  
MOTION FOR ORDER TO SHOW CAUSE**

COMES NOW, Defendants Halliburton Company ("Halliburton"), David Lesar, Douglas Forshee, Gary V. Morris and Robert Charles Muchmore and file Defendants' Statement Regarding Plaintiff AMS Fund's Motion for Order to Show Cause. Defendants are in receipt of Lead Plaintiff AMS Fund's Motion for Order to Show Cause, filed June 13, 2003 (the "OSC Motion") and AMSF's two opposition motions filed on June 11, 2003 and June 25, 2003. Defendants note that the court has not issued an order to show cause, and the Court has set no return date. Moreover, Defendants are unable to locate any procedural authority supporting the OSC Motion. For these reasons, Defendants will not respond to the OSC Motion on the merits at this time, absent a request for briefing from the Court.

The OSC Motion and the related opposition motions between AMSF and the other Lead Plaintiffs pertain solely to internal disputes between the respective Lead Plaintiffs over the exchange of information among themselves, and do not, and should not, affect the global settlement already reached between Plaintiffs and Defendants. Without discussing the merits of the AMSF motions, Defendants unalterably are opposed to any effort by AMS Fund – or any other party – to avoid the terms of the global settlement already reached in this matter. In fact, if necessary, Defendants will file a motion to enforce the parties' settlement agreement. Further,

Defendants are opposed to any request for relief by AMSF that seeks to stay the proceedings in this action. (See AMSF Opposition Motion filed June 25, 2003).


Pretrial Order No. 1, dated December 5, 2002, specifically provides that Plaintiffs' Lead Counsel, Schifffrin & Barroway in this matter, "*shall have authority over the following matters on behalf of all plaintiffs...(g) the timing and substance of any settlement negotiations with defendants; and (h) other matters concerning the prosecution of or resolution of their respective cases.*" See Pretrial Order No. 1, ¶ 15 (emphasis added). The order provides that Plaintiffs' Lead Counsel shall also have authority to communicate with Defendant's counsel and the court on behalf of all plaintiffs. (Pretrial Order No. 1, ¶ 17). Further, Defendants' counsel may rely on all agreements made with Plaintiffs' Lead Counsel, and such agreements shall be binding on all those counsel in those respective actions. (Pretrial Order No. 1, ¶ 17). Indeed, Defendants negotiated a settlement in good faith relying on the representations and authority of Plaintiffs' Lead Counsel. The Court should therefore reject AMS Fund's present efforts to prevent the settlement from going forward due to an internal disagreement with its Lead Counsel. AMS Fund may at the appropriate time, of course, file a formal opposition to the parties' settlement agreement and can ultimately opt out of the settlement.

To the extent the Court requires briefing on the issues raised in the OSC Motion and related opposition motions, Defendants respectfully request the opportunity to file a response on the merits.

Respectfully submitted,

Dated: July 3, 2003

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 3<sup>rd</sup> day of July 2003, a true and correct copy of the above and foregoing was sent by U.S. Mail, with postage prepaid thereon, to all persons listed on the attached service list.

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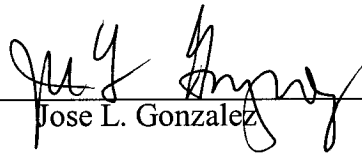
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